



General Assembly

February Session, 2004

Raised Bill No. 5021

LCO No. 475

00475_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

***AN ACT CONCERNING THE STATE ETHICS COMMISSION'S
INVESTIGATORY AND PENALTY ASSESSMENT AUTHORITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 1-80 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (h) The members and employees of the State Ethics Commission
5 shall adhere to the following code of ethics under which the members
6 and employees shall: (1) Observe high standards of conduct so that the
7 integrity and independence of the State Ethics Commission may be
8 preserved; (2) respect and comply with the law and conduct
9 themselves at all times in a manner which promotes public confidence
10 in the integrity and impartiality of the commission; (3) be faithful to
11 the law and maintain professional competence in the law; (4) be
12 unswayed by partisan interests, public clamor or fear of criticism; (5)
13 maintain order and decorum in proceedings of the commission; (6) be
14 patient, dignified and courteous to all persons who appear in
15 commission proceedings and with other persons with whom the

16 members and employees deal in their official capacities; (7) refrain
17 from making any statement outside of a commission proceeding,
18 which would have a likelihood of prejudicing a commission
19 proceeding; (8) refrain from making any statement outside of a
20 commission proceeding that a reasonable person would expect to be
21 disseminated by means of public communication if the member or
22 employee should know that such statement would have a likelihood of
23 materially prejudicing or embarrassing a complainant or a respondent;
24 (9) refrain from any outside communication with a respondent that
25 would erode public confidence in the integrity and impartiality of the
26 commission members; (10) preserve confidences of complainants and
27 respondents; [(10)] (11) exercise independent professional judgment on
28 behalf of the commission; and [(11)] (12) represent the commission
29 competently.

30 Sec. 2. Subsection (d) of section 1-82 of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2004*):

33 (d) No complaint may be made under this section [except within
34 three years next after the violation alleged in the complaint has been
35 committed] more than five years after the end of a respondent's status
36 as a state employee or public official, as applicable. Any complaint
37 made within such time limit against a public official may relate to any
38 period of time that such respondent served as a public official.

39 Sec. 3. Subsection (d) of section 1-93 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2004*):

42 (d) No complaint may be made under this section except within
43 [three] five years next after the violation alleged in the complaint has
44 been committed.

45 Sec. 4. Subsections (a) and (b) of section 1-88 of the general statutes
46 are repealed and the following is substituted in lieu thereof (*Effective*

47 October 1, 2004):

48 (a) The commission, upon a finding made pursuant to section 1-82,
49 as amended by this act, that there has been a violation of any provision
50 of this part, shall have the authority to order the violator to do any or
51 all of the following: (1) Cease and desist the violation of this part; (2)
52 file any report, statement or other information as required by this part;
53 and (3) pay a civil penalty of not more than [two] ten thousand dollars
54 for each violation of this part.

55 (b) Notwithstanding the provisions of subsection (a) of this section,
56 the commission may, after a hearing conducted in accordance with
57 sections 4-176e to 4-184, inclusive, upon the concurring vote of five of
58 its members, impose a civil penalty not to exceed ten dollars per day
59 upon any individual who fails to file any report, statement or other
60 information as required by this part. Each distinct violation of this
61 subsection shall be a separate offense and in case of a continued
62 violation, each day thereof shall be deemed a separate offense. In no
63 event shall the aggregate penalty imposed for such failure to file
64 exceed [two] ten thousand dollars.

65 Sec. 5. Subsection (a) of section 1-89 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective*
67 *October 1, 2004*):

68 (a) Any person who intentionally violates any provision of this part
69 shall be imprisoned for a term not to exceed one year or shall be fined
70 an amount not to exceed [two] ten thousand dollars, or both, provided
71 no person may be found guilty of a violation of subsection (f) or (g) of
72 section 1-84, as amended, and bribery or bribe receiving under section
73 53a-147 or 53a-148, as amended, upon the same incident, but such
74 person may be charged and prosecuted for all or any of such offenses
75 upon the same information.

76 Sec. 6. Subsections (a) and (b) of section 1-99 of the general statutes
77 are repealed and the following is substituted in lieu thereof (*Effective*

78 October 1, 2004):

79 (a) The commission, upon a finding made pursuant to section 1-93,
80 as amended by this act, that there has been a violation of any provision
81 of this part, shall have the authority to order the violator to do any or
82 all of the following: (1) Cease and desist the violation of this part; (2)
83 file any report, statement or other information as required by this part;
84 or (3) pay a civil penalty of not more than [two] ten thousand dollars
85 for each violation of this part. The commission may prohibit any
86 person who intentionally violates any provision of this part from
87 engaging in the profession of lobbyist for a period of not more than
88 two years. The commission may impose a civil penalty on any person
89 who knowingly enters into a contingent fee agreement in violation of
90 subsection (b) of section 1-97 or terminates a lobbying contract as the
91 result of the outcome of an administrative or legislative action. The
92 civil penalty shall be equal to the amount of compensation which the
93 registrant was required to be paid under the agreement.

94 (b) Notwithstanding the provisions of subsection (a) of this section,
95 the commission may, after a hearing conducted in accordance with
96 sections 4-176e to 4-184, inclusive, upon the concurring vote of five of
97 its members, impose a civil penalty not to exceed ten dollars per day
98 upon any registrant who fails to file any report, statement or other
99 information as required by this part. Each distinct violation of this
100 subsection shall be a separate offense and, in case of a continued
101 violation, each day thereof shall be deemed a separate offense. In no
102 event shall the aggregate penalty imposed for such failure to file
103 exceed [two] ten thousand dollars.

104 Sec. 7. Subsection (a) of section 1-100 of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective*
106 *October 1, 2004*):

107 (a) Any person who intentionally violates any provision of this part
108 shall be imprisoned for a term not to exceed one year or shall be fined
109 an amount not to exceed [two] ten thousand dollars, or both.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2004</i> |
| Sec. 2 | <i>October 1, 2004</i> |
| Sec. 3 | <i>October 1, 2004</i> |
| Sec. 4 | <i>October 1, 2004</i> |
| Sec. 5 | <i>October 1, 2004</i> |
| Sec. 6 | <i>October 1, 2004</i> |
| Sec. 7 | <i>October 1, 2004</i> |

Statement of Purpose:

To increase the ability of the State Ethics Commission to investigate ethical violations and assess appropriate penalties for such violations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]